

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

Chief Mag. Judge Marianne B. Bowler

**DEFENDANT BMS'S MOTION TO COMPEL PLAINTIFFS TO PROVIDE PROPER
ANSWERS TO INTERROGATORIES**

Pursuant to Rules 33(b)(5) and 37, Fed. R. Civ. P., defendants Bristol-Meyers Squibb Co., Oncology Therapeutics Network Corp. and ApotHecon, Inc. ("BMS") respectfully move this Court for an order compelling plaintiffs to provide proper answers to BMS's interrogatories served on May 18, 2004.

In support of this Motion, defendants submit the attached Memorandum in Support of Motion to Compel Plaintiffs to Provide Proper Answers to Interrogatories, the Declaration of Steven M. Edwards and the exhibits attached to the Declaration of Steven M. Edwards.

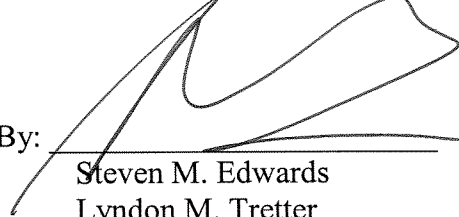
CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned hereby certify that counsel for defendants contacted counsel for plaintiffs regarding the issues addressed in this Motion but were unable to resolve or narrow the issues.

Dated: July 1, 2004

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By: 
Steven M. Edwards
Lyndon M. Tretter
James S. Zucker

875 Third Avenue
New York, New York 10022
(212) 918-3000

Thomas E. Dwyer Jr. (BBO No. 139660)
Dwyer & Collora, LLP
600 Atlantic Avenue
Boston, MA 02210
(617) 371-1000

Attorneys for BMS